

## Message Text

CONFIDENTIAL

PAGE 01 STATE 088271  
ORIGIN IO-14

INFO OCT-01 ISO-00 /015 R

66011

DRAFTED BY:IO/HDC:EDDIEW EDWARDS

APPROVED BY:IO/HDC:ROBERT ANDREW

-----011562 061002Z /10

R 060445Z APR 78

FM SECSTATE WASHDC

INFO USMISSION GENEVA 0000

C O N F I D E N T I A L STATE 088271

FOLLOWING REPEAT MEXICO 5439 SENT ACTION SECSTATE APR 04.  
QUOTE C O N F I D E N T I A L MEXICO 05439

EO 11652: GDS

TAGS: SNAR, MX

SUBJECT: NARCOTICS - NORML LAWSUIT

1. SUMMARY: ON MARCH 30, USG REPRESENTATIVES MET WITH GOM OFFICIALS TO DISCUSS IMPLICATIONS OF SUIT FILED BY NATIONAL ORGANIZATION FOR THE REFORM OF MARIJUANA LAWS (NORML), INCLUDING WIDER ASPECTS CONCERNING WHETHER NATIONAL ENVIRONMENTAL POLICY ACT OF 1969 (NEPA) APPLIES TO USG ASSISTANCE OUTSIDE THE UNITED STATES. GOM REPRESENTATIVES NOTED THAT MEXICO IS A SOVEREIGN COUNTRY, THAT NEITHER US LAW NOR US COURTS HAVE JURISDICTION IN MEXICO, THAT MEXICO/S DECISION TO USE HERBICIDES WAS TAKEN AFTER FULL CONSIDERATION OF ITS IMPACT ON MEXICAN ENVIRONMENT, AND THAT IN VIEW OF MEXICO'S INTERNATIONAL OBLIGATION TO SUPPRESS PRODUCTION OF ILLICIT NARCOTICS, ERADICATION CAMPAIGN WOULD CONTINUE WHETHER OR NOT USG PROVIDED ASSISTANCE. END SUMMARY.

CONFIDENTIAL

CONFIDENTIAL

PAGE 02 STATE 088271

2. ON MARCH 30, DEPARTMENT OFFICERS MATHEA FALCO (SENIOR ADVISER FOR NARCOTIC MATTERS), RICHARD ARELLANO (DEPUTY ASSISTANT SECRETARY OF STATE), LEE MARKS (DEPUTY LEGAL ADVISER), AND RICHARD DUGSTAD (S/NM), ACCOMPANIED BY DCM HERBERT B. THOMPSON, NARCOTICS ASSISTANCE ATTACHE CAESAR P. BERNAL, AND SPECIAL ASSISTANT JOSEPH D. MCLAUGHLIN, MET WITH MEXICAN OFFICIALS TO DISCUSS NORML

LAWSUIT. ATTORNEY GENERAL (AG) OSCAR FLORES MET GROUP BRIEFLY. THREE-HOUR MEETING WAS CHAIRED BY SECOND DEPUTY AG SAMUEL ALBA-LEYVA AND INCLUDED FOLLOWING GOM PARTICIPANTS: AG EXECUTIVE OFFICER FERNANDO BAEZA; JESUS YANEZ-ORVIZ, ADVISER TO EXECUTIVE OFFICER; MARIANO MANCERA-SUAREZ, AG DIRECTOR OF ADMINISTRATION; SERGIO ZAPATA-IBARRA, AG CHIEF OF RECONNAISSANCE AND VERIFICATION; ARMANDO LOPEZ-SANTIBANEZ, AG DIRECTOR OF NARCOTICS CONTROL; CARLOS DENAVIA, TECHNICAL ADVISER TO AG NARCOTICS CONTROL UNIT; JORGE GUTIERREZ-SAMPERIO, DIRECTOR GENERAL OF PLANT HEALTH, MINISTRY OF AGRICULTURE; MARCO ANTONIO MARTINEZ, CHIEF, DEPARTMENT OF PESTICIDES, MINISTRY OF AGRICULTURE; AND VINCENTE HIDALGO, CENTRAL PESTICIDE LABORATORY, MINISTRY OF AGRICULTURE. ALSO PRESENT, AT GOM INVITATION, WERE FOLLOWING REPRESENTATIVES OF FIRMS WHICH SUPPLY HSRBICIDES TO THE AG: DAVID F. BLOWS, DIRECTOR OF THE AGRICULTURAL DIVISION OF ICI DE MEXICO; TIBURCIO YBARRA, OFFICE OF PUBLIC RELATIONS, ICI DE MEXICO; LUIS VASQUEZ-NORIEGA, ICI DISTRIBUTOR; AND JOSEPH GERONIMO AND JORGE FENYEUSI OF DOW QUIMICA MEXICANA.

3. USG REPRESENTATIVES EXPLAINED NEPA PROVISIONS IN GENERAL, INCLUDING UNRESOLVED ISSUE OF EXTRATERRITORIALITY, AND THEN DESCRIBED IN DETAIL COMPLAINT FILED BY NORML. THEY EXPLAINED THAT PURPOSE OF MEETING, CONFIDENTIAL

CONFIDENTIAL

PAGE 03 STATE 088271

FROM USG PERSPECTIVE, WAS TO EXPLORE VARIOUS OPTIONS AND DETERMINE LIKELY GOM REACTION TO COURSES OF ACTION WHICH WOULD FLOW FROM OPTIONS.

4. AFTER CONSIDERABLE QUESTIONING BY GOM OFFICIALS ABOUT VARIOUS LEGAL POINTS, BAEZA SAID THAT MEXICO IS COMPELLED BY ITS OWN LAWS AND BY INTERNATIONAL AGREEMENTS, AMONG THEM THE 1961 SINGLE CONVENTION TO WHICH UNITED STATES IS ALSO A PARTY, TO ATTACK ILLICIT CROPS SUCH AS POPPY AND MARIJUANA. HE SAID THAT IN THE LAST YEAR MORE THAN 70,000 SUCH CROPS HAD BEEN DESTROYED AND THAT THEIR NUMBER AND DISPERSION REQUIRED MORE THAN MANUAL DESTRUCTION TECHNIQUES. FOR THIS REASON, GOM LOOKED AT VARIOUS OPTIONS AND CONCLUDED THAT THE USE OF HERBICIDES APPROVED FOR AGRICULTURAL USE IN MEXICO WAS THE BEST ALTERNATIVE. HE STATED THAT THE DECISION WAS NOT A "REFLEX ACTION" BUT WAS TAKEN ONLY AFTER A MINUTE STUDY OF THE PROS AND CONS OF USING ANY HERBICIDE. IN MAKING ITS DECISION, THE AG'S OFFICE HAD CONSULTED ALL AGENCIES OF THE MEXICAN GOVERNMENT WHICH HAD KNOWLEDGE OF HERBICIDES, INCLUDING THE DIRECTORATE OF PLANT HEALTH IN THE MINISTRY OF AGRICULTURE AND THE

SUBSECRETARIAT OF THE ENVIRONMENT IN THE MINISTRY OF HEALTH. HE ASSERTED THAT "NO ONE IS MORE CONCERNED THAN THE GOM WITH MEXICAN HEALTH AND ENVIRONMENT". HE ACKNOWLEDGED THAT IN ALL DEMOCRACIES SUCH AS MEXICO AND THE UNITED STATES ALL CITIZENS HAVE THE RIGHT TO BE HEARD, "INCLUDING THE FRIVOLOUS LIKE THE CASE UNDER DISCUSSION". (AT THIS POINT ALBA-LEYVA NOTED THAT MEXICAN COURTS WILL NOT ENTERTAIN A CASE ARISING OUT OF AN ILLEGAL ACTION, SUCH AS THE POSSESSION OF MARIJUANA WHICH, IN BOTH THE UNITED STATES AND MEXICO, IS ITSELF PROSCRIBED BY LAW.)

5. BAEZA CONTINUED THAT IT SHOULD BE CLEARLY UNDERSTOOD THAT MEXICO TOOK A FIRM DECISION TO COMBAT  
CONFIDENTIAL

CONFIDENTIAL

PAGE 04 STATE 088271

CRIMES AGAINST HEALTH SUCH AS NARCOTICS AS A DEMONSTRATION OF ITS OWN CONCERN AND NOT DUE TO OUTSIDE PRESSURES. HERBICIDE USE, HE SAID, IS A DECISION OF THE GOM AND IS PURCHASED WITH GOM FUNDS. THE ERADICATION CAMPAIGN "WILL CONTINUE WITH OR WITHOUT USG ASSISTANCE BECAUSE IT IS A REASONED DECISION OF A SOVEREIGN GOVERNMENT IN CONFORMITY WITH A VOLUNTARY COMMITMENT TO THE INTERNATIONAL COMMUNITY." HE NOTED THAT MEXICO'S NARCOTICS CONTROL PROGRAM COSTS THE GOM LIVES OF ITS OFFICIALS AND MONEY IT COULD USE ELSEWHERE, AND CAUSES AN ADVERSE SOCIO-ECONOMIC IMPACT IN THE PRODUCING AREAS WHERE NARCOTICS ARE FREQUENTLY THE ONLY CASH CROP.

BUT, HE ADDED, THE GOM HAD FULLY CONSIDERED THESE FACTORS AND HAD NONETHELESS TAKEN THE DECISION TO PURSUE THE ERADICATION PROGRAM USING HERBICIDES. FURTHERMORE, THE GOM HAS COMMISSIONED A STUDY TO DETERMINE WHAT ACTIONS IT MIGHT TAKE TO ALLEVIATE THE ECONOMIC DISLOCATION WHICH THE ERADICATION CAMPAIGN MIGHT PRODUCE. (FYI: SUMMARY OF STUDY WAS LATER GIVEN TO ARELLANO BY BAEZA.)

6. ALBA-LEYVA THEN ASKED THE TECHNICIANS PRESENT TO BRIEF THE MEETING ON THE SPECIFIC HERBICIDES SELECTED. ZAPATA-IBARRA SAID THAT THE GOM HAD FIRST EXAMINED VARIOUS WAYS TO DESTROY ILLICIT PLANTS AND HAD TESTED MANY OPTIONS FROM MANUAL DESTRUCTION TO BURNING TO HERBICIDES. ONCE HERBICIDE USE IN GENERAL HAD BEEN APPROVED, AN A WIDE VARIETY OF HERBICIDES WAS TESTED. PARAQUAT WAS SELECTED FOR USE AGAINST MARIJUANA BECAUSE IT WAS THE ONLY HERBICIDE WHICH EFFECTIVELY KILLED THE PLANTS AND LEFT NO RESIDUAL EFFECTS WHICH WOULD PREVENT A FARMER FROM IMMEDIATELY PLANTING A LICIT CROP SUCH AS CORN OR BEANS. HE NOTED THAT PARAQUAT  
CONFIDENTIAL

CONFIDENTIAL

PAGE 05 STATE 088271

IS WIDELY USED IN MORE THAN 90 COUNTRIES TO ELIMINATE NOXIOUS WEEDS AMONG LEGITIMATE CROPS OR TO FACILITATE HARVESTING. HE DESCRIBED PARAQUAT AS A CONTACT HERBICIDE WHICH ATTACKS THE CIRCULATORY SYSTEM OF THE MARIJUANA PLANT, DISPLAYING EFFECTS ON THE PLANT WITHIN THREE HOURS, YET WHICH IS EASILY DEGRADABLE BY SUNLIGHT, WIND, OR WATER, AND WHICH LOSES ALL ACTIVITY ON CONTACT WITH SOIL.

7. AT THIS POINT ALBA-LEYVA REFERRED TO A UNITED NATIONS DOCUMENT DATED 27 OCTOBER 1976 ON THE USE OF HERBICIDES ON ILLICIT CROPS IN WHICH IT WAS REPORTED THAT PARAQUAT AS USED FOR THIS PURPOSE HAD BEEN FOUND LESS TOXIC THAN ASPIRIN OR CAFFEINE. ALBA-LEYVA ADDED THAT ON SEVERAL OCCASIONS THE UNITED NATIONS HAD ASKED MEXICO TO PROVIDE ITS EXPERTS TO VARIOUS UN CONFERENCES ON THIS SUBJECT. THE ICI REPRESENTATIVE NOTED THAT HIS FIRM HAD PROVIDED EXTENSIVE INFORMATION TO THE U.S. ENVIRONMENTAL PROTECTION AGENCY ON PARAQUAT AND THAT HIS FIRM'S REPRESENTATIVES IN THE UNITED STATES WOULD CERTAINLY BE WILLING TO HELP THE USG DEFEND AGAINST THE NORML SUIT.

8. MARKS ASKED IF, AS ONE OPTION, MEXICO WOULD COOPERATE IN A JOINT EVALUATION OF ALTERNATIVES SHOULD THE USG BE REQUIRED TO PREPARE A U.S. DOMESTIC ENVIRONMENTAL IMPACT STATEMENT. ALBA-LEYVA REPLIED THAT NEITHER HE NOR ANY OTHER PARTICIPANT IN THE MEETING COULD ADDRESS THAT QUESTION, ADDING THAT IT WOULD REQUIRE DIPLOMATIC CONSULTATIONS AND A DECISION AT THE HIGHEST LEVELS OF THE MEXICAN GOVERNMENT.

9. THE POSSIBILITY OF ADDING A DYE TO THE HERBICIDE WAS DISCUSSED, BUT THE MEXICAN OFFICIALS PRESENT DISCOUNTED THE ACCEPTABILITY OF THAT SOLUTION, NOTING THAT THE USE OF DYE ITSELF COULD, IN THE TERMS OF THE NORML SUIT, CONFIDENTIAL

CONFIDENTIAL

PAGE 06 STATE 088271

REQUIRE AN ENVIRONMENTAL IMPACT STATEMENT.

10. ALBA-LEYVA NOTED THAT THE ALLEGATIONS IN THE NORML SUIT WERE SUSPECT SINCE THE GOM EMPLOYEES INVOLVED IN THE ERADICATION CAMPAIGN HAD BEEN EXPOSED TO PARAQUAT FOR TWO YEARS IN FAR GREATER CONCENTRATION THAN MIGHT BE PRESENT IN SMOKED MARIJUANA, AND

THAT CONTINUED EXAMINATIONS OF THESE EMPLOYEES HAD REVEALED NO ILL EFFECTS. HE AND OTHER MEXICAN PARTICIPANTS WERE EXCEEDINGLY CRITICAL OF THE HEW STUDY AND PRESS RELEASE THAT PRECIPITATED THE NORML SUIT NOTING THAT IT WAS SUPERFICIAL, EXCEEDINGLY SPECULATIVE, AND HARDLY SCIENTIFIC ENOUGH ON WHICH TO BASE POLICY DECISIONS. LUCEY UNQUOTE VANCE

CONFIDENTIAL

NNN

## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 01 jan 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** LITIGATION, DRUG CONTROL, SPECIAL INTEREST GROUPS  
**Control Number:** n/a  
**Copy:** SINGLE  
**Draft Date:** 06 apr 1978  
**Decaption Date:** 01 jan 1960  
**Decaption Note:**  
**Disposition Action:** RELEASED  
**Disposition Approved on Date:**  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 20 Mar 2014  
**Disposition Event:**  
**Disposition History:** n/a  
**Disposition Reason:**  
**Disposition Remarks:**  
**Document Number:** 1978STATE088271  
**Document Source:** CORE  
**Document Unique ID:** 00  
**Drafter:** IO/HDC:EDDIEW EDWARDS  
**Enclosure:** n/a  
**Executive Order:** GS  
**Errors:** N/A  
**Expiration:**  
**Film Number:** D780148-0714  
**Format:** TEL  
**From:** STATE  
**Handling Restrictions:** n/a  
**Image Path:**  
**ISecure:** 1  
**Legacy Key:** link1978/newtext/t19780485/aaaactxa.tel  
**Line Count:** 231  
**Litigation Code IDs:**  
**Litigation Codes:**  
**Litigation History:**  
**Locator:** TEXT ON-LINE, ON MICROFILM  
**Message ID:** 80815cb5-c288-dd11-92da-001cc4696bcc  
**Office:** ORIGIN IO  
**Original Classification:** CONFIDENTIAL  
**Original Handling Restrictions:** n/a  
**Original Previous Classification:** n/a  
**Original Previous Handling Restrictions:** n/a  
**Page Count:** 5  
**Previous Channel Indicators:** n/a  
**Previous Classification:** CONFIDENTIAL  
**Previous Handling Restrictions:** n/a  
**Reference:** n/a  
**Retention:** 0  
**Review Action:** RELEASED, APPROVED  
**Review Content Flags:**  
**Review Date:** 22 jul 2005  
**Review Event:**  
**Review Exemptions:** n/a  
**Review Media Identifier:**  
**Review Release Date:** n/a  
**Review Release Event:** n/a  
**Review Transfer Date:**  
**Review Withdrawn Fields:** n/a  
**SAS ID:** 3052238  
**Secure:** OPEN  
**Status:** NATIVE  
**Subject:** NARCOTICS - NORML LAWSUIT  
**TAGS:** SNAR, MX, US, NORML  
**To:** GENEVA  
**Type:** TE  
**vdkgvwkey:** odbc://SAS/SAS.dbo.SAS\_Docs/80815cb5-c288-dd11-92da-001cc4696bcc  
**Review Markings:**  
Sheryl P. Walter  
Declassified/Released  
US Department of State  
EO Systematic Review  
20 Mar 2014  
**Markings:** Sheryl P. Walter Declassified/Released US Department of State EO Systematic Review 20 Mar 2014